

STAFF REPORT

DATE: May 23, 2018

TO: Board of Adjustment

FROM: Zoning Administration
Planning & Development
Services Department

ACTIVITY NO. T18SA00164

**C10-18-05 VEGA RESIDENCE GARAGE AND PORCH ADDITION / DORALIZ
VEGA / 5027 EAST SCARLETT STREET, R-1**

The applicants' property is an approximately 7,835 square foot lot zoned R-1 "Residential" and is developed with a single-family residence. The applicant proposes to construct a new garage and porch, attached to the residence.

THE APPLICANTS' REQUEST TO THE BOARD

The applicants are requesting the following variances:

- 1) Allow the garage to be constructed with a front street setback reduced from 20' to 18', as measured from the front street lot line;
- 2) Allow the garage to be constructed with a driveway length reduced from 19' to 18' as measured from back of sidewalk;
- 3) Allow the garage to be constructed with a side yard setback reduced from 7'5" to 11" from the west property line; and
- 4) Allow the porch to be constructed with a side yard setback reduced from 6'6" to 2' as measured from property line, all as shown on the submitted plans.

APPLICABLE TUCSON ZONING CODE SECTIONS

Tucson *Unified Development Code (UDC)* sections applicable to this project include, in part, the following:

Section 4.7.8 *Residence Zone (R-1)* and Table 4.8-2 *Permitted Uses –Urban Residential Zones* which provide the use criteria in the R-1 zone; and

Sections 6.3.4 *Dimensional Standards and Exceptions Tables*, 6.4.5 *Perimeter Yards*, and Table 6.3-2.A *Dimensional Standards for the R-1 Zone*, which provide the development standards applicable to all principal and accessory structures.

GENERAL DEVELOPMENT INFORMATION

Zoning and Land Use

SITE: ZONED R-1; (single-family residential)

North: Zoned R-1; (single-family residential)

South: Zoned R-1; (single-family residential)

East: Zoned R-1; (single-family residential)

West: Zoned R-1; (single-family residential)

RELATED PLAN REVIEWS

Engineering

The Engineering Section of Planning and Development Services Department had no comments, as the location is not within a floodplain.

Residential Review

The Residential Review Section of Planning and Development Services Department confirmed for fire rating purposes, the minimum setback for the porch is two (2) feet, as shown on the amended plan. Further fire rating materials will be required for the porch roof, ledge and ceiling. The garage wall is required to have a minimum of one (1) hour fire rated materials for the proposed 11" setback at the west side yard, as noted on the submitted plans.

BOARD OF ADJUSTMENT FINDINGS

The Board of Adjustment can hear and decide a variance request from the regulations listed in the Unified Development Code. The Board may grant a variance only if it finds the following:

1. That, because there are special circumstances applicable to the property, strict enforcement of the UDC will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.
2. That such special circumstances were not self-imposed or created by the owner or one in possession of the property.
3. That the variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.
4. That, because of special circumstances applicable to the property, including its size, shape, topography, location, and surroundings, the property cannot reasonably be developed in conformity with the provisions of the UDC.
5. That the granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

6. That the proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase congestion, or substantially diminish or impair property values within the neighborhood.
7. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the UDC provisions which are in question.

ZONING ADMINISTRATION CONSIDERATIONS

The applicants' property is an approximately 7,835 square foot lot zoned R-1 "Residential" and is developed with a single-family residence. The applicant is proposing to construct a new garage and porch attached to the existing residence. The construction triggers compliance with Tucson *Unified Development Code (UDC)* sections applicable to the new construction.

Attached Garage and Porch

Per *UDC* Sections 6.3.4, 6.4.5, and Table 6.3-2.A, the required front street setback for the attached garage is 20' as measured from the front street lot line to the garage. The applicant is requesting a variance to reduce the front street setback to 18'. A driveway length of 19' as measured from the sidewalk (18' on the property) to the attached garage is required. The applicant is requesting a variance to reduce the driveway length to 18'.

The required perimeter yard setback for the proposed attached garage is 7'5", as measured from the west property line to the west garage wall. The applicant is requesting a variance to reduce the perimeter yard setback to 11' from the west property line.

The required perimeter yard setback for the proposed attached porch is 6'6", as measured from the west property line to the west porch support post. The applicant is requesting a variance to reduce the perimeter yard setback to 2' from the west property line.

Discussion

The property is located in an established residential neighborhood consisting of lots that are approximately 7,800 square feet in size. The applicant's property is developed as a single-family residence with a single carport, built in line with the south wall of the home. The proposal overall involves enclosing the single carport to create a new master bedroom with small addition, then further adding a new porch off the bedroom within the west side yard. The next main aspect is to construct the new two car garage at the southwest corner of the house, in front of the current carport. The only existing driveway access point is at this west side of the property. A new porch is also to be added to the east side of the garage to provide shade from the garage entry and to the separate entrance to the residence. The new garage would be approximately 400 square feet in size.

Although the lot is of sufficient size for R-1 zoning, the existing building is setback approximately 36' from the front street lot line, which would only allow the garage to extend 16' to the front lot line (less than a standard 18' parking space length) if it were to comply with setbacks. The west and east side yards are approximately 8'

wide respectively, which would not be wide enough to accommodate a garage. In addition, a detached shed is located to the east property line (with adjacent neighbor's permission). Further, the only access point for the property is located at the far west side of the lot. Based on these existing conditions including the location of the curb cut and driveway, the southwest corner of the residence is the most reasonable location to construct and attach the two car garage.

Conclusion

Given that special circumstances exist such as existing site conditions that restrict the buildable area; and that the proposed garage and porch are not out of character with other development in this neighborhood, and does not constitute a granting of special privileges inconsistent with the limitations upon other properties in the vicinity and zone, staff can support the requested variances.

NEIGHBORHOOD CONTACT (BY APPLICANT)

See the attached neighborhood notification by the applicant, dated March 20, 2018 and the summary of the onsite meeting dated April 15, 2018. The meeting was held April 4, 2018, with one person attending without objection to the proposal.

PLANNING & DEVELOPMENT SERVICES RECOMMENDATION

PDSD staff recommends approval of the applicant's requested variances.

It is the opinion of staff there are special circumstances applicable to the property; that granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and that the variances requested are the minimum needed to afford relief and the least modification possible of those *UDC* provisions which are in question.

Heather Thrall, Lead Planner
for
Russlyn Wells, Acting Zoning Administrator

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